



PATENT
ATTORNEY DOCKET NO. 06132/011002

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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kathy Meuse
Printed name of person mailing correspondence

Kathy mouse
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pierre Michetti et al. Art Unit: 1645

Serial No.: 09/955,739 Examiner: Nita M. Minnifield

Filed: September 18, 2001 Customer No.: 21559

Title: Urease-Based Vaccine and Treatment for Helicobacter Infection

Commissioner for Patents
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TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Pursuant to 37 C.F.R. § 1.321(b), OraVax-Mérieux Co., the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), OraVax-Mérieux Co. hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the

application subsequent to the expiration date of U.S. Patent No. 5,837,240. OraVax-Mérieux Co. does not disclaim any terminal part of any patent granted on the application prior to the expiration date of the full statutory term of U.S. Patent No. 5,837,240 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3), the undersigned attorney of record certifies that OraVax-Mérieux Co., a Massachusetts general partnership, is owner of the entire right, title, and interest in the application, by virtue of a chain of title from the inventors to the current assignee as follows:

From inventors Pierre Michetti, Irene Corthesy-Theulaz, Andre Blum, Catherine Davin, Jean-Pierre Krahenbuhl, and Emilia Saraga to OraVax, Inc.; from inventor Rainer Haas to Fondation Pour La Recherche Des Maladies Gastro-Intestinales: Gastrofonds; from Fondation Pour La Recherche Des Maladies Gastro-Intestinales to OraVax, Inc.; and from OraVax, Inc. to OraVax-Mérieux Co.

The undersigned attorney of record has reviewed all the documents in the chain of title of the application and to the best of the undersigned's knowledge and belief, title is in OraVax-Mérieux Co.

08-25-03 02:55pm From-CLARK & ELBING LLP

617-237-1558 T-704 P.004/007 F-082

Pursuant to 37 C.F.R. § 1.321(b)(4), enclosed is a check for \$110.00 for the fee set forth in 37 C.F.R. § 1.20(d).

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to overcome a double patenting rejection in this application. Any patent granted on this application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the application or patent that formed the basis for the rejection.

If there are any additional charges or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date: Aug 25, 2003


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